

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 688 of 1985

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

UNITED INDIA INSURANCE CO LTD

Versus

JESANGJI GANESHJI THAKORE

Appearance:

MR KF DALAL for Appellant

MR HARDIK C RAWAL for Respondent No. 4

None present for other respondents

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 28/08/98

ORAL JUDGEMENT

1. This appeal is directed by the insurance company against the judgment of Motor Accident Claims Tribunal (Main), Mahesana in M.A.C.P.. No.127/82 decided on 4-9-1984 under the applicant-respondent-claimant was awarded Rs.14,427/- as compensation with running interest at the rate of 6% p.a. from the date of application till full realisation together with proportionate costs for

the injury sustained by him in a motor vehicular accident. This award has been passed against the opponents No.1, 2 and 4. Against S.T. Corporation, Ahmedabad, the claim application was dismissed.

2. Learned counsel for the appellant raised the only contention that the driver of the offending vehicle was not having the valid licence.

3. However, I do not find any merits in this contention for the reason that the finding has been recorded by the Tribunal that the driver of the offending vehicle was having a valid licence. Learned counsel for the appellant has tried to find fault in the findings on the ground that certain other formalities have to be undergone for a valid licence of heavy vehicle before it is granted to the driver of the offending vehicle but I do not find any substance on the merits of the matter. The licence was there on which there is no dispute. Merely because the insurance company is contending that it is not a valid licence, it cannot be taken to be a final authority. The Tribunal has considered all the aspects of the matter and only after finding it to be a case where the driver of the offending vehicle was having the valid driving licence, the compensation has been awarded in favour of the claimant-respondent, to which no exception can be taken.

4. In the result, this appeal fails and the same is dismissed.

zgs/-